

BOARD OF MAYOR AND ALDERMEN

June 6, 2006

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,
Lopez, Shea, DeVries, Garrity, Smith, Forest

Absent: Alderman Thibault

Mayor Guinta stated both items 3 and 4, the recognition of contributors to the Manchester Art Fund and the presentation of Arts Awards have been postponed until the July meeting. I do want to take a quick moment though before we get to the Consent Agenda and recognize that today, June 6, is National Hunger Awareness Day. Many of you have been reading in the paper that New Horizons food pantry during the summer months gets extremely low on food. This summer they are having a particularly extraordinarily difficult time so I am reiterating that everybody provide whatever they can to the food pantry. The particular urgent needs are peanut butter, jelly, tuna, canned vegetables, canned fruits, baked beans, canned tomatoes, pasta, sauce, diapers and baby food. The donations of course can be dropped off at the food pantry at 199 Manchester Street and their phone number is 668-1877. They can accept donations 24 hours a day, 7 days a week. I also want to make mention that already Autodesk, Executive Health Club and MembersFirst Credit Union had recent food drives that have been successful but they still do need food. So for those of you in the audience and those who are watching at home if you can do what you can to provide that assistance.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept BMA Minutes

- A.** Minutes of meetings held on March 6 and March 7, 2006.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Ratify and Confirm Polls Conducted

- B.** On May 18, 2006 approving the execution of an agreement between the City of Manchester and Town of Goffstown to loan Building and Health inspectors to the Town for a limited duration to assist with necessary inspections due to damages suffered as a result of the floods of May 2006.
(Unanimous)
- C.** On May 24, 2006 authorizing the Department of Public Works to enter into a contract committing \$1.5 million – 2007 Bond Resolution for school improvements.
(Aldermen Roy, Long, Duval, Osborne, Pinard, O’Neil, Shea, Garrity, Smith, Thibault and Forest voted yea; Aldermen Gatsas, Lopez and DeVries unavailable.)

Informational – to be Received and Filed

- D.** Communication from Leon LaFreniere, Building Commissioner, providing a status update of emergency assistance to the Town of Goffstown.
- E.** Minutes of the Mayor’s Utility Coordinating Committee meeting held on May 17, 2006.
- F.** Communication from Kathy DesRoches, Director of Educational Programs at UNH, advising that Jay Davini, Public Utilities Coordinator of the Department of Public Works, has attained the status of Roads Scholar Two.
- H.** Communications from Comcast advising of digital service changes beginning June 11 and 20, 2006.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- J.** Rezoning Petition for property located on Holt Avenue (Lot 716-38) submitted by Attorney John Cronin on behalf of 127 Elm Street, LLC.
- K.** Ordinances submitted by Building Commissioner providing for proposed changes to permit fee schedules, Plumbing & Electrical Codes.

“Repealing the 1993 BOCA National Plumbing Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances and adopting the 2000 edition of the *International Plumbing Code* as amended by the State of New Hampshire Board of Licensing and Regulation of Plumbers.”

“Amending Chapter 1 Administration of the Building code of the City of Manchester providing for increased fees.”

“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances of the City of Manchester providing for increased fees.

COMMITTEE ON FINANCE

L. Resolutions:

“Amending the FY 2001, 2002, and 2006 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Seven Thousand Six Hundred Fifty Dollars (\$177,650) for various CIP Projects.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Dollars (\$1,200) for the 2006 CIP 214506 – Senior Wellness Funding Initiative Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2006 CIP 612606 Citywide Marketing Plan Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for FY2006 CIP 713406 Watershed Restoration Project.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- M.** Advising that it has accepted the Board of Assessors abatement and overlay account updates and is forwarding same to the Board for informational purposes.
(Unanimous vote)
- N.** Advising that it has accepted the City’s Monthly Financial Statements (unaudited) for the ten months ended April 30, 2006 for FY2006 and is forwarding same to the Board for informational purposes.)
(Unanimous vote)
- O.** Advising that it has accepted the City’s Quarterly Financial Statements (unaudited) for the nine months ended March 31, 2006 and is forwarding same to the Board for informational purposes.
(Unanimous vote)
- P.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report all invoices for interdepartmental billings only;
 - d) open invoice report all invoices due from the School Department only;
 - e) listing of invoices submitted to City Solicitor for legal determination; and
 - f) accounts receivable summary/
- (Unanimous vote)*
- Q.** Advising that it has accepted a summary of CIP project balances as of March 31, 2006 and is forwarding same to the Board for informational purposes.
(Unanimous vote)

COMMITTEE ON BILLS ON SECOND READING

- R.** Recommending that an Ordinance:
“Amending Sections 33.024, 33.025 & 33.026 (Relating to the Reorganization of the Health Department) of the Code of Ordinances of the City of Manchester.”
ought to pass.
(Unanimous vote with the exception of Alderman Garrity who was absent.)
- S.** Recommending that an Ordinance:
“Amending Sections 33.024, 33.025 & 33.026 (Parking Manager) of the Code of Ordinances of the City of Manchester.”
ought to pass.
(Unanimous vote with the exception of Alderman Garrity who was absent.)
- T.** Recommending that an Ordinance:
“Amending Chapter 111 Amusements of the Code of Ordinances of the City of Manchester by amending Section 111.71 Curfew For Entertainment, by adding the outdoor entertainment curfew and renumbering sections 111.71-111.73.”
ought to pass.
(Unanimous vote with the exception of Alderman Garrity who was absent.)
- U.** Recommending that an Ordinance:
“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding §70.48(C), deleting 70.78 Basic Penalty and 70.79 Increased Penalty, and creating a new 70.78 Penalty increasing various traffic violations and establishing a new table therein.”
ought to pass.
(Unanimous vote with the exception of Alderman Garrity who was absent.)

COMMITTEE ON COMMUNITY IMPROVEMENT

- V.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$177,650 for various CIP projects, and for such purpose a resolution and budget authorizations have been submitted.
(Unanimous vote)
- W.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$1,200 for FY2006 CIP 214506 Senior Wellness Funding Initiative Program, and for such purpose a resolution and budget authorization have been submitted.
(Unanimous vote)
- X.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$25,000 for FY2006 CIP 612606 Citywide Marketing Plan Program, and for such purpose a resolution and budget authorization have been submitted.
(Unanimous vote)
- Y.** Recommending that the Board accept a Watershed Restoration grant in the amount of \$60,000 from the NH Department of Environmental Services to complete the Nutts Pond Watershed Improvement Project, and for such purpose a resolution and budget authorization have been submitted. The Committee further recommends that Frank Thomas, Public Works Director, be authorized to sign the grant agreement after review and approval by the City Solicitor.
(Unanimous vote)

COMMITTEE ON FINANCE

Z. Recommending that Appropriating Resolutions:

“A Resolution appropriating to the Manchester Airport Authority the sum of \$52,321,042 from Special Airport Revenue Funds for Fiscal Year 2007.”

“A Resolution appropriating the sum of \$16,664,386 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2007.”

“A Resolution appropriating to the Manchester School Food and Nutrition Services Program the sum of \$5,537,900 from School Food and Nutrition Services Revenues for Fiscal Year 2007.”

“A Resolution appropriating to the Central Business Service District the sum of \$244,000 from Central Business Service District Funds for Fiscal Year 2007.”

(Note: report of CBSD Advisory Board regarding recommended services for the district enclosed.)

“Continuation of the Central Business Service District.”

(Note: report of CBSD Advisory Board recommending geographic area remain the same enclosed.)

“Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2007 and held in the Civic Center Fund, for the payment of the City’s Obligations in Said Fiscal Year Under the Financing Agreement.”

ought to pass and layover.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

AB. Recommending that former retired part-time City employees not be allowed to sign up for health insurance during the open enrollment period.
(Unanimous vote; Alderman Garrity absent)

AC. Advising that it has approved Ordinance:
“Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”
providing for the establishment of a new class specification, Airport Financial Manager, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.
(Unanimous vote; Alderman Garrity absent)

AD. Advising that it has approved Ordinance:
“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester.”
providing for the establishment of a new class specification, Canine Handler Supervisor, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.
(Unanimous vote; Alderman Garrity absent)

AE. Advising that it has approved Ordinance:
“Amending Sections 33.024, 33.025 and 33.026 (Painter) of the Code of Ordinances of the City of Manchester.”

providing for the establishment of a new class specification, Painter, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote; Alderman Garrity absent)

AF. Advising that it has approved Ordinance:

“Amending Section 33.026 of the Code of Ordinances of the City of Manchester providing for updates to Class Specification for Housing Inspector.”

providing for changes in class specifications, which do not change the title of the position and do not provide for any changes in salary grades of such position and is forwarding same to the Board for adoption.

(Unanimous vote; Alderman Garrity absent)

COMMITTEE ON JOINT SCHOOL BUILDINGS

AH. Advising that it has accepted the monthly report for May 2006 as submitted by DMJM, and if forwarding same to the Board for informational purposes.

(Unanimous vote)

AI. Advising that they have authorized the Facilities Division to go out for bids for the roof repair to Hallsville Elementary School.

(Unanimous vote)

AJ. Advising that they have approved the expenditure of \$9,000 from contingency to regrout and clean the ceramic tile flooring at Bakersville Elementary School.

(Unanimous vote)

AK. Advising that they have approved Change Order #22 in the amount of \$5,745 for various projects.

(Unanimous vote)

AL. Advising that they have approved the expenditure of \$26,587.05 from contingency for the installation of new storage lockers for band instruments at Memorial High School.

(Unanimous vote)

COMMITTEE ON LANDS AND BUILDINGS

AM. Recommending that the Board of Mayor and Aldermen find property located on a portion of Second Street (Tax Map 314, Lot 7-A) surplus to city needs and that said property be disposed of through a land swap with David Larivee for a portion of land located on South Main Street (Tax Map 315, Lots 8 and 9). The Committee notes that it finds cause to dispose of the property in such manner in that it has been determined that there are no known City uses for the parcel, and that the land swap will resolve a difficult Trailway passage issue, bring development of the Piscataquog River Trailway closer to final realization, and serve an important public purpose. The Committee additionally notes that it is the Assessor’s opinion that the value of both parcels being relatively equal, this is a fair swap and the Tax Collector has indicated no interest in the property as it is not a tax deeded parcel.

The Committee further recommends that the City Solicitor be authorized to prepare such documents as may be required to carry out such land swap and that the Mayor be authorized to execute such instruments as may be required subject to the review and approval of the City Solicitor.

(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY AND TRAFFIC

- AN.** Recommending that a request from Auto City of Manchester to install a “road closed” sign on Depot Street, north side, west of Canal Street, be approved.
(Unanimous vote)
- AO.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.
(Unanimous vote)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN PINARD, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- G.** Communication from Dan LaBerge, expressing concern with the Helping Hands Drug and Alcohol Rehabilitation Permanent Housing Center proposal to be located at Golumb’s Market on Union Street.

Alderman Roy stated I pulled this off so we could possibly get an update and possibly move it to Public Safety or a Committee so it doesn’t...

Mayor Guinta interjected I have corresponded with Mr. MacKenzie on this item today and I have followed up with Mr. LaBerge. Mr. MacKenzie, if you could just give a quick status.

Robert MacKenzie, Planning Director, stated I did meet again with Leon at 5 PM and there is no formal application and there have been no discussions between Helping Hands and either the Building Department or the Planning Department to apply for this. It may be in the planning stages but it is not in the formal City process right now.

Alderman Roy asked Mr. MacKenzie is this a use that would have to come in front of one of our Boards.

Mr. MacKenzie answered it is possible. Leon indicated that he would have to see a proposal before he could classify it, but there are some classifications that may not need a City board. He will have to make some decisions as to what use class it falls into.

Alderman Long stated speaking with Mr. Everett, Director of Helping Hands, he...it is an R-3 zone. If he doesn’t raise the roof and just rehabs it, he is under the understanding that he doesn’t need a variance of anything so he doesn’t need to go in front of any Planning or Building Department. That is where I ask that we be cautious as to keeping abreast as to where he is in that process. From what I understand, with the state you need a permit to test for oil. They dug up an oil tank and there was oil there. I am in the process now with the state of getting that permit and seeing what the results were. I thank the Alderman for taking this off the consent agenda.

Alderman DeVries stated I also have a question for the Director of Planning. Would the R-3 zone, if this was to be congregate housing, would that require a variance?

Mr. MacKenzie responded I believe that in R-3 congregate housing would be allowed by right but again Leon has not classified it yet.

Alderman DeVries asked could you expand on what you mean by classifying it.

Mr. MacKenzie answered generally the Building Department when they get an application will go through and understand what is being proposed. If there is any type of perhaps therapy programs or other type of programs, it may not just be congregate care but it could be some other type of use. That classification is important because in some cases it would be allowed by right and in others it would either need a variance or have to go to the Planning Board.

Alderman Lopez asked is Leon here. I am also concerned as to what is going to transpire here. Is there a legality here of utilization of this property or are the building regulations clear on precisely what they can do?

Leon LaFreniere, Building Commissioner, stated the zoning ordinance defines the range of uses that are permitted by right in the zoning districts. As of this time, as Mr. MacKenzie indicated, we have not seen any proposal to even react to yet. I really don't have any understanding, to be quite frank, as to what the type of use is that may or may not be proposed there. It is our standard practice with any change of use to a property to respond to a submittal by an applicant that describes the nature of their use and categorize that within the context of our zoning ordinance and the various uses that are defined therein. It is premature for me to try to say what might or might not be allowed there without a better understanding of what might be proposed. In response to your question, I think that as I understand it the ordinance defines the type of uses that can take place there by right and the types of uses that require Zoning Board action, such as a special exception or a variance and the types of uses that may require Planning Board action in the form of a conditional use permit. The property is currently under variance because when Golomb's Market was rebuilt after their fire they needed to go to the Zoning Board to get permission to reconstruct what is there. Any use that took place other than a market would represent a change of use and may in fact, even if it is a permitted use in terms of the zoning ordinance, require site plan approval by the Planning Board. Those are all the types of analysis that we do as a standard practice that we haven't yet been able to do because we haven't had any kind of submittal or discussions with them.

Alderman Lopez stated so it is not our responsibility to contact the individual. It is buyer beware?

Mr. LaFreniere responded typically what we do is provide an opportunity to any applicants to come in and the standard practice as part of an applicant's due diligence is to come in and discuss with us what they want to do. That almost always takes place before someone goes and either purchases or commits themselves to a piece of property. In this case, I certainly am not adverse to making a contact but up until today I haven't even heard who it might be who was looking to utilize the property, only that the proposal was for a potential care facility there. Now that we have some more definition on that, we can certainly be more proactive and reach out to the individual.

Alderman Shea stated I just wanted to add that there has been a lot of opposition on the part of Ward 7 residents because that abuts Ward 7 and they tried to put a halfway house at 335 Somerville Street and it seems to me that a lot of different people with different projects are beginning to utilize the South end of Manchester and I am of the opinion that all sections of Manchester should be utilized and not concentrate on a specific area, particularly in his case Ward 3 and in my case Ward 7. I think that there will be strong opposition and I will be leading the charge along with Alderman Long because I believe that this is an inappropriate place where you have young children and residents there trying to establish themselves for this type of project to be situated.

Alderman Roy stated because this is something that does affect the City and especially that neighborhood, I would ask that instead of receiving and filing that we move this to either Public Safety and Traffic or refer it to the Mayor's Office for ongoing monitoring. I don't know if the Mayor would like it in his hands or if the Chairman of Public Safety and Traffic would accept it so we can keep an eye on this situation.

Mayor Guinta stated whatever the Board desires. I think based on my previous advocacy in this area the Board probably knows where I stand.

Alderman Forest stated one concern I have is the fact that we are dealing with something here and these people didn't even submit plans to the City. Since when do we react before an application is put in? I don't know where this came from but they haven't gone to the Planning Board or Zoning Board or anything else. As far as I am concerned it is just rumor that this is going to happen and we are reacting to it right now. Why send it to a Committee? Why not wait until something happens?

Mayor Guinta replied the author of the letter is aware of the fact that there is an intention of making this happen so there is an assertive effort by some of the members of the neighborhood to make their position known now rather than be stuck in the situation the City was facing last year when they were sort of caught a bit off guard and put in a similar situation. Again, it can be referred to my office or referred to the Committee for review and if there is no action necessary then the Board can just take a wait and see approach but if

there is an action that becomes necessary at the very least the BMA is fully aware of the situation.

Alderman Long stated with respect to Mr. Everett, this proposal is low-income housing. It is for recovering drug addicts and alcoholics. There is a covenant that is going to be in the apartment building that they have to abide by or they get thrown out. It is not a halfway house. Still I believe it is in an inappropriate neighborhood. My concern is that he could go under the carpet so to speak to get this...he won't have to go in front of the Planning Board and may be able to divert going in front of the Building Department and that is why I would just like to...in speaking with him, he is adamant on getting this location. Mr. LaBerge has come up with a couple of other properties that I thought would work much better and not require as much rehab work but I would like to keep this on the table somehow, some way just to keep our hands on it.

Alderman Roy stated the Chairman of Public Safety has agreed to accept it.

Alderman Osborne stated I will accept it along with Alderman...seeing it is going to be in Alderman Long's ward does he want this to go to Committee or not. Do you want to handle it yourself?

Alderman Long replied going to Committee would be fine.

Alderman O'Neil stated the ward Aldermen are involved in this. Why don't we leave it in their hands for right now until...if we start doing this, every time one of these issues is going to end up in Committee and I am not even sure we have any binding authority to take any action. If this goes to the Planning Board we can't overrule the Planning Board and we can't overrule the Zoning Board. I would suggest from my experience let the ward Aldermen who are involved handle it and take appropriate action when they see fit.

Mayor Guinta stated I would be happy to certainly work with Alderman Long and Alderman Shea on the issues.

Alderman Osborne stated well Alderman Long and Alderman Shea are both on the Committee on Public Safety and Traffic.

Mayor Guinta stated I would defer to the Alderman of the ward.

Alderman Osborne stated I just asked him that question your Honor. It is up to him as far as I am concerned.

Alderman Long stated I believe we could handle it, your Honor, with your help.

On motion of Alderman Long, duly seconded by Alderman Roy it was voted to receive and file the communication.

- I. Communication from McGladrey & Pullen, CPA's, providing information relating to their June 30, 2006 audit plan and overall audit approval for the City of Manchester.

Alderman DeVries stated this is the letter from our auditor. I did address the concerns I had before this meeting with the Finance Officer for the City and he advised me that it would be appropriate to bring these questions up here tonight. Is there anybody here from McGladrey & Pullen? Why don't I voice my concern and we could get a letter back with an explanation. If you look at the very end of the proposal there is some discussion regarding new auditing standards. I am on page 3 of the letter to us. It talks about the new GASB standards. I had particular concern looking for some clarification on the GASB statement #47, Accounting for Termination Benefits and I wanted clarification on how that new auditing standard might affect the way we currently deal with our accrued vacation days and sick leave time, which is built into a department's budget. I was looking for clarification more on the new accounting standards and how they may impact our budgeting methodology here in the City. I also noticed GASB statement #43 and #45 dealing with pension plans and obviously those are of current discussion with our pension plan and I wanted to make sure that the decisions we are making with part-time employees, etc., some of which may be made tonight, are going to meet all of the new auditing standards. I am happy to wait for a clarification on those standards if you don't have anything to offer over our discussion yesterday Kevin.

Mayor Guinta asked can Mr. Clougherty be responsible for obtaining that information.

Kevin Clougherty, Finance Officer, stated the firm is going to be at the Committee on Accounts meeting. When I talked to Kevin Buckley I thought he was coming to this meeting but the meeting he was talking about was the Committee on Accounts, which is a routine meeting for them to show up at. These pronouncements are routine. GASB compliance issuances the staff is trained on them but certainly if any of the Aldermen have questions they should raise them with the auditor.

Alderman DeVries asked so you will prepare the auditor for my questions I would assume before he comes to the Accounts Committee that I am on.

Mr. Clougherty answered right.

Alderman DeVries moved to receive and file the communication. Alderman Shea duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Report of the Committee on Human Resources/Insurance

- AA.** Recommending that the Board establish a policy preventing part-time employees from purchasing health insurance upon retirement.

Alderman Gatsas stated per a request from the HR Director, she asked that we table this item until our next meeting.

On motion of Alderman Gatsas, duly seconded by Alderman Duval it was voted to table this item.

Report of the Committee on Human Resources/Insurance

- AG.** Advising that it has approved Ordinance:
“Amending Section 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”
providing for a change that allows a part-time employee to be granted a step increase upon satisfactory completion of 1,040 hours of work with additional step increases upon the satisfactory completion of 2,080 hours, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

Alderman DeVries stated this is dealing with an ordinance for benefits for part-time employees. My question to you this evening or somebody on the Committee is are the hours that these employees have worked to date going to be allowed to be factored in or are we starting from the adoption of this ordinance accruing the first 1,040 hours before they will be eligible for a step raise.

Virginia Lamberton, HR Director, stated once this is adopted any part-time employee who on that day or thereafter has 1,040 hours would be eligible for the step and subsequently once they get to 2,080 or if they are ready for 2,080 they would get it then.

Alderman DeVries asked so just to make sure I am perfectly clear, they are given credit for all of the hours they have worked to date they are just not going to be retroactively benefited for the step increases.

Ms. Lamberton answered that is correct.

On motion of Alderman DeVries, duly seconded by Alderman Duval it was voted to accept, receive and adopt the report of the Committee on Human Resources.

Nominations to be presented by Mayor Guinta, if available.

There were no nominations.

Confirmation of the nomination of Gerard L. Thibodeau to succeed Jen Drociak as a member of the Conservation Commissioner, term to expire August 1, 2006.

Mayor Guinta stated I will defer this item to the next Board meeting or until we receive a resume.

Confirmation of the nomination of Celia Phillips to succeed Jessica Kinsey as a member of the Arts Commission, term to expire December 1, 2007.

On motion of Alderman Shea, duly seconded by Alderman Lopez it was voted to confirm the nomination of Celia Phillips as a member of the Arts Commission, term to expire December 1, 2007.

Confirmation of nominations to the Fire Commission as follows:

Omer Beaudoin to succeed Sean Toomey as the labor representative member, term to expire May 1, 2009; and
Peter Favreau to succeed himself, term to expire May 1, 2009.

On motion of Alderman Pinard, duly seconded by Alderman Gatsas it was voted to confirm the nominations of Omer Beaudoin and Sean Toomey to the Fire Commission, terms to expire May 1, 2009.

Confirmation of the nomination of Michael J. Landry as an alternate member of the Planning Board, term to expire May 1, 2007.

On motion of Alderman Garrity, duly seconded by Alderman Long it was voted to confirm the nomination of Michael J. Landry as an alternate member of the Planning Board, term to expire May 1, 2007.

Deputy City Clerk Johnson stated we would note that we need to go to the addendum of the Board agenda.

Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand dollars (\$300,000) for the 2007 CIP 411907, Police/Fire CAD/RMS Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Nine Hundred Seventy Five Thousand Dollars (\$1,975,000) for the 2007 CIP 510907, Parks Improvement Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2007 CIP 511007, School Recreation Facility Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Thousand Dollars (\$200,000) for the 2007 CIP 612407, Neighborhood Revitalization Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2007 CIP 711507, Annual Bridge Rehabilitation Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Twenty Five thousand Dollars (\$1,725,000) for the 2007 CIP 711607, Annual ROW Reconstruction Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Dollars (\$2,000,000) for the 2007 CIP 711807, PW/Fleet Maintenance Administrative Support Facility Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred Thousand Dollars (\$400,000) for the 2007 CIP 711907, Residential 50/50 Sidewalk/Curb Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred Thousand Dollars (\$500,000) for the 2007 CIP 712007, Storm Drain Infrastructure Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Eight Hundred Thousand Dollars (\$800,000) for the 2007 CIP 712107, Municipal Facility Improvements Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2007 CIP 712207, Hands Across The Merrimack Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million Two Hundred Thousand Dollars (\$3,200,000) for the 2007 CIP 2\712607, WWTF – Replace Secondary Clarifier Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Six Hundred Fifty Thousand Dollars (\$650,000) for the 2007 CIP 712707, WWTF Facility Plan – Phase 2 Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) for the 2007 CIP 712307, Cohas Phase 2 – Contract 1 Project.”

Deputy City Clerk Johnson stated you can dispense with the reading by titles only. We would just note one correction on them and that would be the Sidewalk Curb Program, which should be \$400,000 instead of \$200,000. It is actually \$400,000.

Alderman Pinard moved to dispense with the reading by titles only. Alderman Roy duly seconded the motion.

Alderman Gatsas asked can I get an explanation of what the Annual Bridge Rehabilitation Program is please.

Mr. MacKenzie stated this would be a portion of the funds necessary to address certain bridge rehabilitation programs in the City. The City also receives some state funding to rehab bridges. I was going to check to see if I have the listing of which bridges that includes this year.

Alderman Gatsas asked do you have the list.

Mr. MacKenzie answered it would be in some of my background notes unless the Public Works Director knew right off the top of his head. I will check.

Alderman Gatsas stated I would also like to know what the state funds are that we receive to match those funds.

Mayor Guinta stated I will give Mr. MacKenzie a moment to look at his notes.

Mr. MacKenzie stated I would note that as requested by the Public Works Department, that would be for Island Pond Road bridge rehabilitation and the State of NH would be providing 80% of the funding for that rehab.

Alderman Gatsas asked what is the total cost of the rehab.

Mr. MacKenzie replied I don't have it broken out for the Island Pond Road bridge, the total project cost.

Alderman Gatsas asked is that \$300,000 the City's portion for that one bridge project.

Mr. MacKenzie answered no. I believe there are other bridges included in that but that would be the largest portion for that funding.

Alderman Gatsas stated well I would think that we would have more specific answers with the floods that we have had recently and with the damage to bridges. I would think that this Board would be apprised of where we are spending \$300,000 for bridge rehab, at least from City departments that are coming forward with that. Do you have any determination of where those funds are being spent on bridges?

Mr. MacKenzie replied I don't have them here in my back up notes. They are probably in my office in our detailed reports.

Alderman Gatsas asked is this Board comfortable with that answer because I am not.

Alderman DeVries stated just from the CIP Committee discussions and the prior CIP handouts I think it was Huse Road at \$293,000. This is a state DOT project as well as the Island Pond Bridge noted at \$93,000 so these are state DOT projects.

Alderman Pinard stated I met with the DOT last week on another project in that area. The Island Pond bridge will be coming up for a hearing sometime early this fall. It is a project that should end around 2011. It will also include the sound wall along the I-93 stretch. So there will be a hearing on that coming this fall.

Alderman Shea stated after this discussion I have another question of Mr. MacKenzie.

Mayor Guinta asked on this portion or another item.

Alderman Shea answered another item.

Alderman Gatsas asked can we get a total answer of what the cost is from somebody.

Mr. MacKenzie answered again the largest share of that \$300,000 would be for the Island Pond Road Bridge. I believe there are a couple of other smaller projects in that but I would have to get back to the Board. I could probably have that information for you tomorrow night if you are meeting.

Alderman Lopez stated I was just going to offer that being a bond resolution we have an opportunity to move this thing forward but we still have an opportunity to question it and maybe the City Clerk could advise us.

Deputy City Clerk Johnson stated the bond resolutions are being presented for referral to the Committee on Finance. They are following the process in order to allow the projects to move forward at some point in time. They would come out of the Finance Committee theoretically tonight as a layover to a subsequent meeting and at that time could still be amended or changed. If you need further answers on anything I certainly think the Planning Department or whatever department you want could give you further information.

Alderman Lopez stated I would ask my colleagues to move forward with these and any questions they have we can have the Planning Director or Frank Thomas bring those answers to the Board before we finalize these resolutions.

Alderman Gatsas stated I would think, your Honor, that when we start talking about bond resolutions and the amount of money we are spending in the City that the department head should be here to address any questions that we have before us whenever something is coming before us. I would think that that would be normal protocol because obviously when you talk about these items, your Honor, as soon as we continue bonding and I know that you reduced the bonding request in the CIP budget but I look at this item for \$300,000 for a bridge structure and I would think that would be money that is coming out of the one time account because we are not going to be doing this continually. I would think that the one-time monies would be coming out of the one time account to fix the bridge. Obviously that money that is sitting in one time accounts needs to be used for something.

Frank Thomas, Public Works Director, stated I don't have the detailed background on your specific request tonight with me, however, this information has been furnished to the Board of Mayor and Aldermen in detail as part of the CIP submission. This is the annual bridge

maintenance program. The annual bridge maintenance program basically goes out and inspects bridges, identifies deficiencies in bridges or bridges that need to be replaced. As Bob MacKenzie mentioned, the major portion of this particular request for funding is to replace the Island Pond Road Bridge. In addition to that there are probably some more joint replacement work and whatnot and we will get you a detailed explanation of the expenditures. However, that has been detailed in the submissions that were made as part of the CIP process.

Alderman Gatsas asked are any of those funds used for the Bridge Across the Merrimack.

Mr. Thomas answered no there isn't.

Alderman Gatsas asked from the City Finance Officer do we have the ability to use the one-time funds to pay for those bridge maintenance repairs.

Mr. Clougherty stated the purpose of the one-time revenues is to be invested in long-term major projects, primarily of economic development importance. It is not for maintenance as much as it is for construction and investment.

Alderman Gatsas asked didn't we just hear that the Cohas Brook bridge is a major construction project that the state pays 80% for.

Mr. Clougherty replied Cohas Brook is a maintenance project Alderman. Those are projects that would fall under maintenance. I don't disagree that we should be setting aside money and dealing with them other than through bonds but I wouldn't agree necessarily that the one time revenue account was the best solution.

Alderman Gatsas stated looking at the CIP project list, your Honor, that we had details about and I look at that \$300,000 and it is listed "funding and support repairs and other rehabilitation measures on various bridges in order to prevent the deterioration resulting in higher costs in the future." I think that is the only thing we have seen in how that breaks that down. Maybe some other Aldermen have seen some other things but that is all I have seen. I will wait until tomorrow until somebody brings further information on it.

Alderman Shea stated I have a concern about this \$250,000 Hands Across the Merrimack project and I would like Frank Thomas to come up again because I want to question him concerning that. Frank, so far we have bonded \$1 million of taxpayer money. We are now going to give \$250,000 more to a project and I don't want to be facetious here but if you put the words Hands Across the Merrimack, it spells ham and in Washing they have pork. This is ham as far as I am concerned because we have serious needs within our community and we don't want a bridge to nowhere. This goes from the West Side to a new development on the Riverwalk that we have funded to the tune of \$1.1 million that nobody uses and here we

are spending \$250,000 more and according to what you have said it will need an additional \$500,000 in the future in order to bring this up for painting and so forth. Have I the facts incorrect?

Mr. Thomas stated you are correct that this project if it moves ahead will need to have a painting contract put out on the structure at a later date within the next few years. Now regarding ham and whatnot, that is your opinion. The rest of the Board of Mayor and Aldermen have brought this project along as far as it has gone to date.

Alderman Shea stated there was an Alderman that was here before and he probably is still here. His name is Keith Hirschmann. Years back he brought up the fact that when you fund something you have to maintain a certain amount of money for the maintenance of this particular project. How much is the maintenance going to be and who is going to maintain it? The Parks & Recreation Department? The Highway Department? Who is going to maintain this in terms of making sure that this is kept up after this particular project has its completion?

Mr. Thomas responded this bridge would fall under the annual bridge maintenance program that Alderman Gatsas was just referring to. It would be inspected periodically and there would be recommendations to provide maintenance on it as required.

Alderman Shea asked now we don't have a figure as to which bridges now are being maintained. There is a figure that you are going to provide...

Mr. Thomas interjected we have all of those figures and again as I mentioned when we submitted our CIP request regarding the annual bridge maintenance program and every other CIP project there is all of the detail and back up that goes along with it. I certainly don't have that book here with me tonight, however, we will furnish that information and I can furnish whatever information you want on the Hands Across the Merrimack.

Alderman Shea stated my point is that we are using taxpayer's money to fund a project that is a want and not a need. There are several people in my ward that need help with chronic drains. I happen to be one that suffered problems but I don't need a chronic drain. You and I know that this money could be used more profitably for people in the community and I have strongly objected to this. All it is is we are giving money to projects that people come up with and I have to say that the person coming up with this doesn't even live in the City of Manchester. A couple of them live in Bedford and we are funding things that aren't needed and I think we should use this bond money for better purposes. I don't care how much my colleagues agree or disagree with this project. I think it is a waste of taxpayer's money. Thank you.

Alderman O'Neil stated whether I agree or disagree with Alderman Shea, Frank Thomas didn't create this project. This Board passed it and he was asked to carry it out. So the discussion shouldn't be towards Frank Thomas. It should be amongst the 15 of us and I think it is unfair that Mr. Thomas is being criticized for this project. It wasn't his idea. He is carrying out something that was approved by the Board of Aldermen. I don't mind having the discussion but I don't think Mr. Thomas needs to be in the middle of it.

Alderman Shea responded I am not attacking Mr. Thomas...

Alderman O'Neil interjected well it sounds like you are Alderman.

Alderman Shea replied no I am not and don't try to play politics with this. I am saying that the project itself is useless. I never attacked him.

Alderman O'Neil stated then let's let Frank Thomas go sit down and we can talk about it then. He doesn't need to be up here.

Alderman Shea responded he is the only one here that can defend it because the other people aren't here to defend it.

Mayor Guinta stated for the record there are people on the Board of Directors for Hands Across the Merrimack who are from Manchester, including former Mayor Baines who has spearheaded this project in previous Boards. I recognize and remember Alderman Shea and his concern in the past several years including Alderman Gatsas. I do agree that if there is going to be a policy discussion it should be certainly amongst the policy members in the room. If there are technical questions we can certainly have Frank advise us on the technical side of the issue.

Alderman Gatsas stated Frank I just have one question and then I will continue my discussion. Can you tell me what the cost was for the renovation of Queen City Avenue? The bridge from Queen City Avenue that we did I want to say five years ago? If you don't know off the top...let me give you the answer. It was \$6.2 million. Let me just continue with where I am at because that is a four-lane bridge that carries traffic. So when Alderman Shea took my thunder away and called this a bridge to nowhere, that is exactly what it is. It is a bridge to nowhere. The taxpayers of Manchester can listen to those things that come out of Washington and right now we have our own bridge to nowhere because the Queen City bridge, for total cost of renovations for cars going...and I don't know what the traffic count is Frank...

Mr. Thomas interjected it is quite large.

Alderman Gatsas stated it was \$6.2 million. To complete this project for somebody to walk across this bridge from sometime in April to sometime in November because I know, your Honor, you promised me you would walk across it in January, it is obscene that we would spend \$3.7 million. \$3.7 million to complete the project because without paint on it I think it is going to be an eyesore. I think this Board should understand the \$600,000 of ISTEA money that comes from the federal government, if it is not used by September we as a City lose it. There are a lot of other projects in this City that we could allocate that \$600,000 to and Alderman Shea is right. There are wants and there are needs. The CIP budget, that is the pork for the City of Manchester. That is where Aldermen move projects that they want selectively done. Frank, this is not about you. This is about the previous Boards that voted on this. I remember two years ago Alderman O'Neil made a motion that we spend no more money on this until they raised the outside funds. They haven't done that. This is kind of like an L-CHIP project. If people want this done then they should part with money out of their own pocket instead of the taxpayer's pockets. We have enough money in there to do many other projects in this City instead of a bridge to nowhere. \$3.7 million versus \$6.2 million for the Queen City bridge. If that was a business decision we would know how to make it. If it was our own money we would know how to make it. That is wrong. It is a wrong decision by this Board. We should rethink what we are doing here because the taxpayers are at risk. The \$3.2 million is not going to end. The rusted bridge is not going to stay across the Merrimack. Some other Board whether it is this one or the next one...somebody is going to pay for it. Thank you.

Alderman Osborne stated I have one fast quick question and it is not an attack. The \$500,000 that we supposedly have to spend to paint this bridge, how long will this paint job last?

Mr. Thomas responded once it is painted it will probably last up to 20 years before it needs to be redone, however, the painting portion of the project was deferred to drop the overall construction cost to a reasonable range. I think that is what Alderman Gatsas was driving at and Alderman Shea that with the funds that are presently available with the approval of this CIP budget we will have to paint the bridge within the next two or three years.

Alderman Osborne stated you are telling me that the paint job will last 20 years. That is hard to believe. Very hard to believe.

Mr. Thomas replied yes on a bridge like this.

Alderman DeVries stated I don't have a question for Frank Thomas so I am going to let him off the hook and ask him to go sit down. I would like to ask Bob MacKenzie though, if you could tell us because there was just some discussion on the ISTEA dollars and if they are not used by September they are going to be forfeited and an assumption that we could transfer

those to another project such as maybe the Granite Street bridge. Is that your interpretation that we could actually take that bonding and use it on another project?

Mr. MacKenzie replied that is a discussion we could have with the state but normally these kind of projects...this is a TE or transportation enhancement and these normal go to a committee at the state level who allocate the money each year. I do not know what the chances would be of reallocating that.

Alderman DeVries asked if they have to go through a committee at the state and that is not going to occur so if they aren't reallocated we then forfeit it.

Mr. MacKenzie answered yes that is correct.

Alderman DeVries asked what about the other bonding that we put forward on this project to date because we have allocated some funds. Can you tell us what has already been encumbered on this project?

Mr. MacKenzie answered the City has earmarked, as another Alderman indicated, \$1 million in bonds. That money could be reallocated to another long life construction project. This was 20 year bond monies so as a bond balance of monies that have been issued by the Finance Department it would likely have to be transitioned to another long life project.

Alderman DeVries stated I understand the \$1 million has been earmarked but what actually has been encumbered. They have done some engineering on this project and such?

Mr. MacKenzie replied yes. I don't have the exact numbers of the amount spent to date. It has been relatively modest but we can track that down for you for your next meeting.

Alderman DeVries asked so the final thing I am hearing from you is \$600,000 is in jeopardy if we do not move forward with some bonding. Other than that, we could delay this project.

Mr. MacKenzie answered the other item that is in jeopardy is the CDFA. There is \$260,000 from the state Community Development Finance Authority and I believe that if the City does not commit by the end of this calendar year that we would lose those funds as well.

Alderman DeVries stated I have a question of you, your honor, because you put this forward in the CIP request. I know that you were extremely frugal with all of the projects that you allowed to make it into the CIP request and I thank you for that. I think that you did a very good job going through them all but you did choose to move this one forward so are you indicating to us that you still endorse this project and think that rather than turn away the \$860,000 that we should be allocating this and that it is a good economic development tool?

Mayor Guinta stated the challenge with the CIP budget as everybody on this Board knows is that there was roughly \$40 million in requests. I looked at the overall budget for the City and feel that the current \$14 million that we need to pay in debt service and interest on maturing debt has to be reduced. Part of the way to reduce that is to try to reduce the amount of debt that we encumber in future years. So I did as a matter of policy decide to go from \$20 million down to \$10 million roughly regarding bonding. Now I have allowed for some funding should it be required for Granite Street. That is a gateway project to the City that has to occur. I, as an Alderman, supported this bridge. I would argue that this is not a bridge to nowhere respectfully. I think that on my tenure on the Board as an Alderman we discussed ways to improve the connectivity between the East Side and West Side. I personally believed it then and still believe now that there is extreme value in this project. I hear the concerns of the Aldermen who oppose it and the fact that there are additional costs that we didn't anticipate having to encumber. The same thing happened with many projects that are happening across the City and across the state and there is a challenge as to how we as a community deal with that. I am concerned that if we don't move forward we are going to lose the federal money and I also have a concern on how that impacts the City in future requests. It is the will of the Board. I have certainly included in my CIP because I do think it is a worthy project and I certainly hope that the Board supports it but this is now a project in the hands of the Aldermen.

Alderman Gatsas stated I have a quick question of Frank Thomas. What is the shortfall on Granite Street?

Mr. Thomas answered \$5.5 million.

Alderman Gatsas stated I am going to have to ask the City Clerk about amending these bond resolutions. If I take the \$1 million that we have already bonded and the \$600,000 in ISTEA and the \$250,000 that is in this bonding project and the other \$260,000 that is going to come from the state there is roughly \$2.1 million. That is the gateway to the City. That is where that \$2.1 million should be going is to Granite Street. That is exactly where it should be going. Not to a bridge to nowhere your Honor because with all due respect nobody other than you are going to walk on it in January. It is going to be snowing...that is \$2.1 million that can go to the gateway that you just talked about. You were talking about Granite Street being the gateway. Now that is where the \$2.1 million should go. If it is about having another meeting at the state house to see if we could allocate those funds to a different project, I think that I probably can assist you on that.

Alderman Lopez stated I am just not too sure about the ability of this money to be utilized for other things. If we don't use it for the bridge from what I understood at the CIP Committee level we will lose that money. I think you have the clout to maybe have a meeting up at the state Alderman. I don't deny that. I think this is a project that has been going on for three or four years now. I think many people have supported it - our Economic

Development Office, our Finance people and everything. If the bonding is the issue I believe this is a project that \$250,000 would qualify for the one time account and I will leave the Finance Officer to answer that question because it is a one time project. I don't mind doing the bonding but I think without knowing that we don't have the \$250,000 whether it is from the one time account to complete this project...I agree with the Mayor. I think it is an economic thing. I think the economic development and the plans and all of the consultant reports that we got said a walking bridge from the West Side to the East Side was good for the City of Manchester. It is not the bonding. As long as we can get the \$250,000 I think it completes the project at this stage of the game. I would ask the Finance Officer if the bonding is a major issue here can the one time account be used for the \$250,000 for this project?

Mr. Clougherty stated that would be a more appropriate use because it is not maintenance, it is reconstruction. The purpose for these resolutions being on tonight is that all bond resolutions have to be introduced at a regular Board meeting. If they are not introduced at a regular Board meeting you will miss an opportunity as we are going into a summer schedule and I think that is one of the reasons that CIP has these on here tonight. Certainly if you put them on and take a vote it is not for final approval. We could go back and perhaps do some research along the lines of what Alderman Gatsas was talking about to verify that those dollars are transferable and at your next meeting...again once you have started the process you can approve all of the other projects on the list or this one or table it but the problem we have is that if you don't do something with this tonight then you have to reintroduce it at the next meeting and you lose a month.

Alderman Lopez stated that is the point that I am getting at on the procedures of moving the bond resolutions forward. At the final vote you have the option of either approving it or not approving or amending it. I think that we can't get hung up on procedures here or we will be here all night and go nowhere.

Mr. Clougherty stated you wouldn't be precluded from doing that. We could do that.

Alderman Shea stated I have a rhetorical question. How is this going to be an important economic development project when people walk across the bridge? If walking across this bridge is an economic development, we have four bridges. Everybody can walk across a bridge – Queen City Bridge, Granite Street Bridge, Bridge Street Bridge, Amoskeag Bridge. Are these economic development projects as well? I ask this. How can this possibly be that significant as an economic development project when you walk across from the West Side of Manchester to the East Side of Manchester to a Riverwalk area? How is that economic project any different than walking from the West Side of Manchester to the East Side of Manchester on one of the other four bridges? It just doesn't make sense to me.

Mayor Guinta stated well this Board has...not every member of this Board but this Board has over the last several years supported this project in one facet or another. I think that there is value...first of all there is a historic value. There is value in connecting the West Side to the East Side. That is certainly important to me and I think it is probably important to the West Side Aldermen who have supported this project. I also believe that based on the economic development reports that we have received as a Board that there is a lot of discussion about the kind of City we want to try to develop. Part of that is walking trails. Part of that is connecting not just parts of Manchester to itself but Manchester to other parts of the state. I believe this Board is going to continue to have a policy discussion about the dollars that it invests in itself but I believe this is an investment that makes sense not just from a historic perspective but I do think it does provide that connectivity that this Board has been trying to establish for a number of years. We had this similar argument about, quite frankly, where to place the Senior Center. West Side or East Side was the debate. I think what we would like to try to do as a community is bring the City a little closer together when we talk about the different sides of the City. Again, it is in this Board's hands. I have noted your objections tonight and for the years since I served as an Alderman but the majority of the Board has at least endorsed this project and I would continue to favor its completion.

Alderman Shea stated let's rethink it and if the will of the Board is to go forward then so be it.

Alderman DeVries stated just for the new members who maybe didn't take part in the entire discussion with us previously the Master Plan if you would for the bike/pedestrian pathways do include this bridge because it connects the bike/pedestrian path that hopefully will be inclusive of all of the I-93 work that will go eventually from Salem to Concord and on to Hanover but this bridge pulls it also across the river into the Piscataquog Trail system that is being developed that is going out to Goffstown. It is quite a trail system if we can ever get our act together and get all of the pieces together but this is an essential part.

Alderman Forest stated I told myself I wasn't going to get involved in this conversation but twice tonight I have heard Aldermen call it the bridge to nowhere. Well there are three people that I know of at least that live on the nowhere side of that bridge and that is Alderman Smith, myself and maybe a fourth one here. It is not a bridge to no where. As far as the walk along the river, maybe if some of the Aldermen would go down along Commercial Street and the ballpark and see what it is like there, even after dark. People are using that walkway. They are waiting for that bridge. I supported that bridge and as far as a gateway to Manchester, the Everett Turnpike, you have an exit on Granite Street and the first thing they see coming into Manchester at that exit is that trestle that is there rusting away. It may be a want but it gets people here. We have spent all kinds of money in this City on wants. We spent money on Derryfield Park. We spent money at Livingston Park. We are spending money at baseball parks in the City. What does that do? It brings people here and

these people spend money and if that is not economic development, I don't know what is. I am in favor of this project and I am encouraging my colleagues to stay with it.

Alderman Gatsas replied with all due respect to my colleague from Ward 12, Derryfield Park and Livingston Park and the other parks that we take care of in this City are for the taxpayers and the constituents of this City. They are here and living here and those are part of the things that we as Aldermen provide to our constituents. We are not looking for people to come from Boston to spend money to use our parks. Those parks are spent for and paid for by the taxpayer's dollars. That is what we are here to do. That is what we are here to understand. Those are the things that we do. I look at this project and say that we will be back to this Board in the very near future to complete Granite Street and that is going to cost another \$4 million in bonding. We have an opportunity right now to reduce that bonding by 50%. Kevin, what does that mean to the taxpayers in this City?

Mr. Clougherty stated every \$1.3 million in bonding is 1% on the tax rate.

Alderman Gatsas asked so that is \$.19 cents per \$1,000 or whatever the number is.

Mr. Clougherty answered right but in this case it would be the debt service so call it \$250,000 in debt service...

Alderman Gatsas interjected no we are talking about the \$4 million additional that we are going to need to complete Granite Street.

Mr. Clougherty stated right but if you do an additional \$4.5 million you are not going to fund that all in one year. It is going to be paid in debt service over time so that is probably going to equate to probably around \$400,000.

Alderman Gatsas asked so that is a cost to the taxpayers.

Mr. Clougherty answered that is what the cost is to the taxpayers on an annual basis.

Alderman Gatsas stated and we can reduce that by 50% because we have the dollars here to complete that bridge and to it the right way because we are under construction with it now. That is what a reasonable businessperson would do if that was their project and their dollars. We all talk about how we are CEO's in here and Board of Directors. We should act that way when we are here watching over the taxpayer's dollars. That is what we should be doing and that is the way we should be looking at it – as though we are spending our own money.

Alderman O'Neil asked can we move the question. I am not sure what it is but can we move it?

Mayor Guinta stated we are just on the motion to dispense with the reading by titles only. I will call for a vote. There being none opposed, the motion carried.

Alderman O'Neil moved to refer the Bond Resolutions to the Committee on Finance. Alderman Forest duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Gatsas, Shea, and Duval being duly recorded in opposition to the “Hands Across the Merrimack” bond resolution and Alderman Roy being duly recorded in opposition to all bond resolutions.

Alderman Lopez asked can I get clarification. What is Alderman Roy opposed to?

Mayor Guinta replied he is opposed to everything.

Alderman Lopez asked what does everything mean. Are you talking about the CIP budget?

Alderman Roy answered yes.

Alderman Lopez stated that is not the CIP budget.

Alderman Roy stated right it is the bond resolutions.

Communication from Carol Johnson, Deputy City Clerk, submitting a warrant pursuant to RSA 466:14 to be issued to the Chief of Police for civil forfeitures for unlicensed dogs, requesting authorization for the City Clerk to remove names from the listing as deemed appropriate and collect reimbursement for related certified mail costs.

On motion of Alderman Lopez moved to approve the warrant under the Hand and Seal of the Board of Mayor and Aldermen pursuant to RSA 446:14, authorize the City Clerk to remove names from this listing as deemed appropriate, and to collect reimbursement for related certified mail costs at \$3 per civil forfeiture. Alderman Forest duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

On motion of Alderman Roy, duly seconded by Alderman Pinard it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

Deputy City Clerk Johnson stated we have several reports.

Mayor Guinta called for a five-minute recess.

Mayor Guinta called the meeting back to order.

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY 2001, 2002, and 2006 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Seven Thousand Six Hundred Fifty Dollars (\$177,650) for various CIP Projects.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Dollars (\$1,200) for the 2006 CIP 214506 – Senior Wellness Funding Initiative Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2006 CIP 612606 Citywide Marketing Plan Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for FY2006 CIP 713406 Watershed Restoration Project.”

ought to pass and be enrolled.

Alderman Garrity moved to accept, receive and adopt the report of the Committee on Finance. Alderman Smith duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Roy and Gatsas being duly recorded in opposition.

A report of the Committee on Finance was presented recommending that an Appropriating Resolution:

“A Resolution appropriating to the Parking Fund the sum of \$6,603,825 from Parking for the Fiscal Year 2007.”

as amended to \$6,903,825 ought to pass and layover.

Alderman Shea moved to accept, receive and adopt the report of the Committee on Finance. Alderman DeVries duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen O’Neil, Smith, Garrity and Forest duly recorded in opposition.

A report of the Committee on Finance was presented recommending that an Appropriating Resolution:

“A Resolution appropriating the sum of \$2,968,193 from Recreation User Charges to the Recreation Division for Fiscal Year 2007.”

ought to pass and layover.

Alderman Lopez moved to accept, receive and adopt the report of the Committee on Finance. Alderman Garrity duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

A report of the Committee on Finance was presented recommending that an Appropriating Resolution:

“A Resolution appropriating to the Manchester School District the sum of \$143,000,000 for the Fiscal Year 2007.”

ought to pass and layover.

Alderman Garrity moved to accept, receive and adopt the report of the Committee on Finance. Alderman Shea duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Alderman Forest being duly recorded in opposition.

A report of the Committee on Finance was presented recommending that an Appropriating Resolution:

“A Resolution appropriating to the Manchester Transit Authority the sum of \$1,100,000 for the Fiscal Year 2007.”

as amended to \$850,000 ought to pass and layover.

Alderman Gatsas moved to accept, receive and adopt the report of the Committee on Finance. Alderman Garrity duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen O’Neil, Smith, DeVries and Long being duly recorded in opposition.

A report of the Committee on Finance was presented recommending that an Appropriating Resolution:

“Amending a Resolution ‘Raising Monies and Making Appropriations for the Fiscal Year 2007 to \$114,134,608’.”

as amended to \$117,990,110 ought to pass and layover.

Alderman Gatsas moved to accept, receive and adopt the report of the Committee on Finance. Alderman Long duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Pinard and Garrity being duly recorded in opposition.

A report of the Committee on Finance was presented recommending that an Appropriating Resolution:

“Approving the Community Improvement Program for 2007, Raising and Appropriating Monies Therefore, and Authorizing Implementation of Said Program.”

ought to pass and layover as amended to include all changes proposed by the CIP Committee.

Alderman O'Neil moved to accept, receive and adopt the report of the Committee on Finance. Alderman Garrity duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Roy, Shea, DeVries and Long being duly recorded in opposition.

A report of the Committee on Finance was presented recommending that Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand dollars (\$300,000) for the 2007 CIP 411907, Police/Fire CAD/RMS Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Nine Hundred Seventy Five Thousand Dollars (\$1,975,000) for the 2007 CIP 510907, Parks Improvement Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2007 CIP 511007, School Recreation Facility Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Thousand Dollars (\$200,000) for the 2007 CIP 612407, Neighborhood Revitalization Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2007 CIP 711507, Annual Bridge Rehabilitation Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Twenty Five thousand Dollars (\$1,725,000) for the 2007 CIP 711607, Annual ROW Reconstruction Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Dollars (\$2,000,000) for the 2007 CIP 711807, PW/Fleet Maintenance Administrative Support Facility Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred Thousand Dollars (\$400,000) for the 2007 CIP 711907, Residential 50/50 Sidewalk/Curb Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred Thousand Dollars (\$500,000) for the 2007 CIP 712007, Storm Drain Infrastructure Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Eight Hundred Thousand Dollars (\$800,000) for the 2007 CIP 712107, Municipal Facility Improvements Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2007 CIP 712207, Hands Across The Merrimack Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million Two Hundred Thousand Dollars (\$3,200,000) for the 2007 CIP 2\712607, WWTF – Replace Secondary Clarifier Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Six Hundred Fifty Thousand Dollars (\$650,000) for the 2007 CIP 712707, WWTF Facility Plan – Phase 2 Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) for the 2007 CIP 712307, Cohas Phase 2 – Contract 1 Project.”

ought to pass and layover.

Alderman Garrity moved to accept, receive and adopt the report of the Committee on Finance. Alderman Pinard duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Alderman Shea being duly recorded in opposition to the Hands Across the Merrimack bond resolution, Alderman Gatsas being duly recorded in opposition to all bond resolutions, and Alderman DeVries being duly recorded in opposition to the Parks Improvement Project.

State Legislative update presented by Mayor Guinta, if available.

There was no update.

Report of Committee on Bills on Second Reading recommending that an Ordinance:

“Amending Section 70.78 Basic Penalty to provide a specific penalty for parking in a driveway and for parking in front of a fire hydrant.”

ought to pass.

(Unanimous vote with the exception of Alderman Garrity who was absent.)

Deputy City Clerk Johnson stated we are requesting that this item be received and filed. The subsequent parking ordinance covered that section.

Alderman Forest stated I noticed on Section 70.78 on Item 15 it says “penalty for parking in a driveway” and I know the agenda item covered blocking a driveway but I just wanted to make sure that the ordinance that gets passed is for blocking a driveway and not parking in a driveway. Parking in a driveway is civil and really can’t be enforced unless somebody doesn’t belong there but I think the fine is for blocking a driveway.

Deputy City Clerk Johnson stated I guess we would note that the ordinance that is attached to...although it says for parking in a driveway and parking in front of a fire hydrant it actually says “parking within five feet of a private driveway” in the ordinance. It does not cover parking in a driveway per say. That is not the verbiage and Item U is worded the same way.

Alderman Forest replied I understand that the new ordinance...I can’t find it but the verbiage does say within five feet of a driveway but this section here, this Item 15 reads “parking in a driveway.”

Deputy City Clerk Johnson stated but it does not read that way in the basis...it says within five feet in the base of the ordinance itself.

Alderman Forest moved to receive and file. Alderman Roy duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Relating to the Reorganization of the Health Department) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Parking Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 111 Amusements of the Code of Ordinances of the City of Manchester by amending Section 111.71 Curfew For Entertainment, by adding the outdoor entertainment curfew and renumbering sections 111.71-111.73.”

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding §70.48(C), deleting 70.78 Basic Penalty and 70.79 Increased Penalty, and creating a new 70.78 Penalty increasing various traffic violations and establishing a new table therein.”

On motion of Alderman O'Neil, duly seconded by Alderman Pinard it was voted to dispense with the reading by titles only.

Deputy City Clerk Johnson stated before you take a motion to enroll the Clerk had a discussion with the Solicitor's Office today and there are two trends of thought. There is a minor problem with the fourth ordinance, which is relating to the penalties for traffic violations. The contents of the ordinance was not done up as originally envisioned and we would like to do some cleaning up of the ordinance. We could do the technicalities later if we make one minor amendment. If we add on the last page of the ordinance...Section B presently is proposed to say any violation of Chapter 70 not identified in 70.78(A) shall be issued pursuant to 38.06(B) of this code. We would want to state “not identified in 70.78(A) or any other section of the code shall be issued”. So we will be adding the words “or any other section of the code” because that would allow for other penalties that are set out in the code to be enforced, which includes your \$300 through trucking. The motion would be to amend that ordinance to include that language.

On motion of Alderman DeVries, duly seconded by Alderman Garrity it was voted to amend the Ordinance:

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding §70.48(C), deleting 70.78 Basic Penalty and 70.79 Increased Penalty, and creating a new 70.78 Penalty increasing various traffic violations and establishing a new table therein.”

as outlined by the Deputy City Clerk.

On motion of Alderman DeVries, duly seconded by Alderman Forest it was voted that the Ordinances ought to pass and be enrolled with the fourth one being enrolled as amended.

On motion of Alderman Pinard, duly seconded by Alderman Garrity it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration respectfully advising, after due and careful consideration, that Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Relating to the Reorganization of the Health Department) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Parking Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 111 Amusements of the Code of Ordinances of the City of Manchester by amending Section 111.71 Curfew For Entertainment, by adding the outdoor entertainment curfew and renumbering sections 111.71-111.73.”

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding §70.48(C), deleting 70.78 Basic Penalty and 70.79 Increased Penalty, and creating a new 70.78 Penalty increasing various traffic violations and establishing a new table therein.”

are properly enrolled.

On motion of Alderman Pinard, duly seconded by Alderman Long it was voted to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration.

Communication from Leo Bernier, City Clerk, inquiring as to when the Board wishes to schedule its regular monthly meeting in July as the first Tuesday will be the 4th of July, Independence holiday.

Alderman Shea moved to reschedule the meeting to Tuesday, July 11. Alderman O'Neil duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Alderman Roy stated I have a question for the City Clerk. I believe last year you only had one August meeting. Is that correct?

Leo Bernier, City Clerk, stated according to the Charter you have one meeting in August.

Alderman Roy stated but if we are looking at...would that be August 1.

City Clerk Bernier replied I don't have a calendar in front of me.

Deputy City Clerk Johnson stated yes that is correct.

Communication from Robert MacKenzie, Director of Planning, requesting extensions of CIP projects as listed.

On motion of Alderman Lopez, duly seconded by Alderman Garrity it was voted to approve the CIP project extensions as requested.

Ordinance:

“Amending Section 33.026 of the Code of Ordinances of the City of Manchester providing for updates to Class Specification for Housing Inspector.”

On motion of Alderman Garrity, duly seconded by Alderman Pinard it was voted to read the Ordinance by title only, and it was so done.

On motion of Alderman Roy, duly seconded by Alderman Long it was voted that the Ordinance pass and be Ordained.

Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Relating to the Reorganization of the Health Department) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Parking Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 111 Amusements of the Code of Ordinances of the City of Manchester by amending Section 111.71 Curfew For Entertainment, by adding the outdoor entertainment curfew and renumbering sections 111.71-111.73.”

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding §70.48(C), deleting 70.78 Basic Penalty and 70.79 Increased Penalty, and creating a new 70.78 Penalty increasing various traffic violations and establishing a new table therein.”

On motion of Alderman Roy, duly seconded by Alderman O'Neil it was voted to dispense with the reading by titles only.

On motion of Alderman Roy, duly seconded by Alderman O'Neil it was voted that the Ordinances be Ordained.

Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) for the 2007 CIP 310207, School Facility Improvements Project.”

On motion of Alderman O'Neil, duly seconded by Alderman Garrity it was voted to read the Bond Resolution by title only, and it was so done.

On motion of Alderman Garrity, duly seconded by Alderman Shea it was voted that the Bond Resolution ought to pass and be Enrolled.

Resolutions:

“Amending the FY 2001, 2002, and 2006 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Seven Thousand Six Hundred Fifty Dollars (\$177,650) for various CIP Projects.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Dollars (\$1,200) for the 2006 CIP 214506 – Senior Wellness Funding Initiative Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2006 CIP 612606 Citywide Marketing Plan Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for FY2006 CIP 713406 Watershed Restoration Project.”

On motion of Alderman Roy, duly seconded by Alderman O'Neil it was voted to dispense with the reading by titles only.

On motion of Alderman Garrity, duly seconded by Alderman Pinard it was voted that the Resolutions pass and be enrolled.

NEW BUSINESS

Deputy City Clerk Johnson stated it is my understanding that earlier this evening the Committee on Administration recommended to the Board that there be a rate increase for fares for taxicabs for a 90 day period. We are distributing an ordinance to that effect. They are looking to have the ordinance adopted tonight so we would look for a motion to suspend the rules and place the ordinance on its final reading by title only at this time without referral to the Committee on Bills on Second Reading or the Committee on Accounts, Enrollment and Revenue Administration.

On motion of Alderman O'Neil, duly seconded by Alderman Roy it was voted to suspend the rules and place the ordinance on its final reading by title only without referral to the Committee on Bills on Second Reading or the Committee on Accounts, Enrollment and Revenue Administration.

On motion of Alderman O'Neil, duly seconded by Alderman Forest it was voted to read the Ordinance by title only, and it was so done.

“Amending the Code of Ordinances of the City of Manchester by amending Section 118.33(A) Rates for Fares Established by increasing current mileage fraction by which taxi rates are calculated from 1/6 of a mile to 1/8 of a mile.”

Deputy City Clerk Johnson stated we would note that this Ordinance will expire in 90 days.

On motion of Alderman O'Neil, duly seconded by Alderman Long it was voted that the Ordinance be Ordained.

Alderman Roy stated I have a request of Frank Thomas for our August meeting to provide the Board an update on recycling – volume of calls, numbers or any report he would like to generate so that we have an accurate assessment of what the new recycling and yard waste program is doing.

Alderman Duval stated I know it is getting late and I appreciate your indulgence. Just a brief status on the Seal Tanning proposal that we discussed two weeks ago. Just a synopsis would be fine. When we left two weeks ago things were kind of up in the air.

Mayor Guinta responded we are still working on it.

Alderman Forest stated I have a request of the Board and I think the Clerk is going to help me on this. The CIP budget that was passed to layover tonight, Item 510907 in Table 4 there is a request that I had made to the CIP Committee for completion of the Junior Deb field behind the West Side Arena. I understand that again we have to layover for five days but what I would like is permission from the Board to allow Parks & Recreation to authorize the work to be started. The contractors involved in this have agreed to wait until July 1 but I would like to see the project finished.

Mayor Guinta asked can we do that.

Deputy City Clerk Johnson answered the Board can take an action to authorize the department to proceed with the project. It would then commit the Board to funding the project at a later date.

Alderman O'Neil stated we have done similar things in the past. We called them fast track projects.

Alderman Forest moved to authorize the Parks & Recreation Department to move forward with the completion of the project at the Junior Deb field behind the West Side Arena prior to the CIP budget being approved. Alderman Shea duly seconded the motion

Alderman Gatsas stated I think we should approve the CIP budget before we fast track any project.

Alderman Forest responded well I am asking for a vote of this Board. If they deny it, then they deny it but I am asking for this motion.

Alderman Gatsas asked you need 10 votes don't you.

Alderman Forest answered this is not a bonding project.

Mayor Guinta stated if the CIP doesn't meet the required 10 votes for bonding then this vote is meaningless correct.

Solicitor Clark replied if the Board authorizes it to be completed tonight then the Board is going to have to come up with the money some way. If it doesn't bond then it will have to come up with it some other way.

Alderman Roy stated I have a question for Alderman Forest. The total amount of this project is what, how far are you into it and what is the amount you are asking for this evening?

Alderman Forest responded well I didn't get the amount of money I asked for. The total amount of the project will be over \$150,000 but CIP has authorized \$75,000, which gets one field done this year so they can have tournaments in August. This is something that has been a three-year project. There were funds cut out last year and the year before because of budget restraints.

Alderman Roy asked but this has been an ongoing project.

Alderman Forest answered yes it has been ongoing for three years.

Alderman Roy asked and the amount of money you are requesting tonight would finalize...

Alderman Forest interjected the amount of money that was authorized by CIP was \$75,000. It won't finalize the project. I will have to work some other way but this will get part of it done so we can get one field completed.

Alderman Garrity stated this falls under Table 4, the Piscataquog River East Park for a total of \$563,750.

Alderman Roy asked so we are voting for the \$1.8 million...

Alderman Forest interjected no just the \$75,000.

Alderman Roy asked with no approval of the other \$1.8 million.

Mayor Guinta stated correct.

Alderman Forest stated it is just to let Parks and Recreation start the project until the bonding is completed.

Alderman DeVries stated I would respectfully ask my fellow Aldermen...I mean we are only talking a matter of a few additional days here before we reconvene to finalize this. I realize the urgency to expedite the contracts but we will be meeting next week and all of our projects will have some better feedback on where we are at with the FEMA dollars, including Piscataquog Park. I would feel more comfortable next week voting on this but not tonight.

Alderman Shea stated for Prouts Park it was so difficult to get the funding and I had to get it in parcels. I can sympathize with Alderman Forest because he waited patiently last year while people on different Committees bypassed his concerns. Alderman Gatsas earlier this evening talked about Livingston Park and Derryfield Park and how these meet the needs of the kids in the City – not the wants but the needs. I sympathize with Alderman Forest and I say let's get the project going because it is necessary for us to show people who are willing to volunteer their services as he does to come forward and try to produce something for the young ladies on the West Side who are an integral part of our community. I say the sooner we get this going the better.

Alderman Gatsas stated my only question is we were in Finance so why didn't we have this discussion then.

Alderman Forest replied I checked with the Deputy Clerk earlier tonight and she recommended that I wait for new business otherwise I would have asked for it in Finance.

Mayor Guinta called for a vote. There being none opposed, the motion carried.

Alderman Smith stated we have a letter from the Parks, Recreation & Cemetery Department in regards to the River Park. As you well know my ward was affected – 10 streets, we have

erosion in four places. I would like to ask you, your Honor, if you could help us out. FEMA denied a couple of constituents of mine on Varney Street because the fence wasn't that great but they have to fill in the land or else they are going to lose their porches and houses and we can't do that because I understand the state won't let them throw fill right by the river. If you could help us out on that I would certainly appreciate it. I would hope that you would give some consideration to the park because we lost three soccer fields and a baseball park.

Mayor Guinta replied I will talk to you tomorrow.

Alderman Lopez stated one of the things I want to talk about is the petition and I think the City Clerk has a petition for a meeting on June 12. I understand...I had some discussion and I just want it for the record that these are the proper procedures that we go through and if the City Solicitor could attest to that I would appreciate it very much.

Alderman Gatsas asked have you scheduled a meeting for next week yet your Honor.

Mayor Guinta answered no.

Alderman Gatsas stated well the budget has to layover.

Alderman Lopez replied it has to layover for five days and that is the reason for the petition to have a meeting...

Alderman Gatsas interjected when is that.

Alderman Lopez responded it is on Monday.

Deputy City Clerk Johnson stated it has to layover for five days, which would technically be Sunday. There is a petition that has been submitted by a majority of the members of the Board to request the Clerk to schedule a meeting for Monday, June 12 at 5:30.

Alderman Gatsas asked can it layover six days.

Mayor Guinta answered yes. The minimum requirement is five days.

Alderman Gatsas asked is there a reason why we have to do it Monday.

Alderman Lopez answered I think it is important in case we run into any particular problems we can recess on the 12th and come back on the 13th. I think the City Solicitor will attest to that.

Alderman Gatsas stated some of us may have a problem with that date. I have a previous commitment. I know some Aldermen don't worry about meetings but there are a majority of us that worry about making meetings.

Alderman Lopez replied I think it is the law. That is the problem. For example it is no secret that I am going to be looking at some of the numbers that the Fire Chief has indicated to me today and go along that line and some of the other numbers. I am not too happy with the Schools for example and I don't know where we are going. I think if we have the meeting on the 12th, which the petition is for, if need be like I said we may need to recess and go to June 13. If we go to the 13th...why don't I just have the City Solicitor and the Clerk explain the law.

Mayor Guinta stated so there has been a petition by the majority of the Aldermen that has been submitted so let's move on to the next issue. Other new business?

Alderman Gatsas stated my question is the petition was filed but some of us have commitments for that night. I would say out of due respect that somebody that was knowing that they were going to file a petition certainly would have called the...especially being the Chairman of this Board would have called every colleague on this Board and allowed him to know what was happening so he could have understood that maybe some of us had commitments. I would have assumed that the Chairman of the Board brought this petition forward and he should have called every member of this Board to find out in due process whether they were available for that night. Now I didn't know anything about a petition until somebody put it in front of me and all of the lines were already signed on it and 11 people had already signed.

Mayor Guinta asked is there a School Board meeting that night. I have a School Board meeting that night. I was not made aware of it until sometime during this meeting.

Alderman Gatsas answered I would say by the votes tonight, Mr. Chairman, that you would move that to Tuesday. To me there were three votes that we took tonight that were unanimous and they were roll calls so if something all of the sudden transpires over the next three days of why we are going to change our votes on budgets that we just voted on it shouldn't take that long to get the process done.

Alderman Lopez stated I think Alderman the only thing we have done was to pass and layover a budget. A budget can be amended within that period of time. Again, I don't have any problem with the 13th but if we run into particular difficulty on the 13th...now I understand that is the last day that we can do the amendment. Now if the City attorney wants to correct me that is fine.

Alderman Gatsas responded I don't have a problem meeting on the 13th and starting the meeting at 5 PM and staying until midnight.

Alderman Lopez stated that's okay Alderman but you know there are problems with laws. We don't know exactly what is going to happen. I think the procedure...Tom Clark can explain what happens if the Mayor vetoes something.

Alderman Gatsas replied a question of Alderman Lopez because I am really concerned about this and I am bothered by it. How many Aldermen did you talk to about it before 5 PM tonight?

Alderman Lopez asked about what.

Alderman Gatsas responded about your petition.

Alderman Lopez stated I didn't talk to anybody about the petition. I asked Carol what the procedure was and she presented me with the petition tonight to get it signed. I am only following the rules of the Board.

Alderman Gatsas asked so nobody knew about this petition before they walked in here tonight.

Alderman Lopez answered I don't think so. Is this a question and answer period?

Alderman Gatsas replied no it is not a question and answer period but if you are the Chairman of the Board you certainly should have given the indulgence of every member to know that you were bringing something forward.

Alderman Lopez stated I am only following the rules here and I am going to ask the City attorney to tell us the rules here that's all.

Alderman Gatsas replied the rule is that we have until the 13th for it to lay over.

Alderman Lopez stated that's right.

Alderman Gatsas stated that's the law.

Mayor Guinta asked is there any other new business. This conversation can happen after. There is a procedure and it was followed and not every Alderman was asked.

Solicitor Clark stated the Charter allows for a majority of this Board to schedule a special meeting.

Mayor Guinta replied that happened and not every Alderman was asked. I wasn't asked either. I think that is pretty clear.

Alderman O'Neil asked is there a way we can compromise on this thing. I don't plan on sitting here until 11:59 PM on Tuesday night. You said you have the School Board. At what time?

Mayor Guinta answered yes but I will be here for the budget. I have other commitments.

Alderman O'Neil stated I know we are going to have to try, based on something we did here tonight we are going to try to have a Committee on Administration meeting whatever night that is going to be regarding the Parking Division.

Mayor Guinta stated we are at the end of this meeting. Unless there is a motion let's figure it out tomorrow.

Alderman O'Neil asked your Honor can you work with the Chairman of the Board to come up with something that works.

Mayor Guinta answered yes I am happy to do that.

Alderman Roy stated I greatly appreciate the discussion we are having over this meeting but the five days to lay over ends on a Sunday evening and that leaves us two business days in order to finalize a budget. I for one...you know we have been working on this for how many months? Almost since the day after your election to get a budget crafted and get it out to the constituents. So if that is Monday evening and it gives us 24 hours if something goes wrong then so be it. We will meet Monday evening. It is just prudent that we are leaving ourselves a little bit of leeway if something does go wrong. If you called a meeting on Monday or Tuesday, you don't check with us. We just come and do our jobs and that is what we have. Those are the cards we are dealt. We will go from there. You have the opportunity at 24 hours notice to call a meeting. Unfortunately it does take eight signatures of the Aldermen I believe.

Mayor Guinta replied direct your comments to the Board. This is a Board action.

Alderman Roy stated I think it is prudent that we are leaving ourselves 24 hours in case something does go wrong or the Finance Department needs to go back and review numbers.

Alderman Gatsas stated I have a question for the Solicitor. Tom, it ends on...Sunday is the fifth day so we could come in here Sunday night right.

Solicitor Clark responded no you could not. It is no less than five days. It doesn't say business days. You have to lay it on the table all day Sunday. You can't act on it until Monday.

Alderman Gatsas stated let's do it at 3 PM on Monday.

Alderman Garrity stated some Board members have work commitments.

Mayor Guinta asked how many Aldermen signed this – 10 or 11. I will work with the Chairman tomorrow. I don't know if we can come to an agreement or not. Eleven or ten people have signed it. I think the concerns expressed by Alderman Gatsas are valid. Any further new business?

Alderman Lopez stated I have one other item of new business. This meeting that you had scheduled for tomorrow is that still on?

Mayor Guinta replied I will let you know tomorrow.

There being no further business, on motion of Alderman Pinard, duly seconded by Alderman Garrity it was voted to adjourn.

A True Record. Attest.

City Clerk